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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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10 Juan Castanon-Guel, ) CR 11-01320-PHX-PGR  
11 Defendant/Movant, ) CIV 12-00014-PHX-PGR (MEA)  
12 v. )  
13 United States of America, )  
14 Plaintiff/Respondent, )  
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**ORDER**

16 Currently before the Court is the Report and Recommendation (Doc. 9) of Magistrate  
17 Judge Aspey, based on Juan Castanon-Guel's Motion to Vacate, Set Aside, or Correct  
18 Sentence. In his motion, filed pursuant to 28 U.S.C. § 2255, Castanon-Guel challenges his  
19 sentence for Attempted Reentry of a Removed Alien. He alleges that he pleaded guilty based  
20 on flawed advice from his attorney and that his sentence was improperly enhanced.  
21 Magistrate Judge Aspey recommends that the Court deny Castanon-Guel's motion. The  
22 Court will adopt the report and recommendation.

23 As Magistrate Judge Aspey found, Castanon-Guel, in his written plea agreement with  
24 the United States, waived his right to collaterally attack his convictions and sentences. The  
25 sentence imposed was consistent with the terms of the agreement. Castanon-Guel has failed  
26 to establish that the waiver of his right to collaterally attack his sentence was not knowing  
27 and voluntary.  
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Therefore, having reviewed *de novo* the Report and Recommendation,

2 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation  
3 (Doc. 9) is ACCEPTED and ADOPTED by the Court.

4 IT IS FURTHER ORDERED DENYING the Motion to Vacate, Set Aside, or Correct  
5 Sentence (Doc. 6).

IT IS FURTHER ORDERED DENYING a Certificate of Appealability and leave to proceed *in forma pauperis* on appeal because Castanon-Guel has not made a substantial showing of the denial of a constitutional right.

9 DATED this 11<sup>th</sup> day of September, 2012.

Paul G. Rosenblatt  
United States District Judge